

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:

BROWN, Cynthia A.

SSN: xxx-xx-7418

Debtor

Chapter 13

Case No. 10-19354-FJB

TRUSTEE'S OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN

Now comes Carolyn Bankowski, Standing Chapter 13 Trustee ("Trustee"), and respectfully objects to confirmation of the Debtor's Chapter 13 Plan, (the "Plan"), and for reasons says as follows:

1. On October 15, 2010, the Trustee convened the §341 meeting of creditors at which the Debtor was present with counsel.
2. On October 9, 2010, the Debtor filed a Chapter 13 Plan.
3. According to the B22C Form, the Debtor has \$2,093.02 available each month towards unsecured claims, which would provide for a total of \$125,581.20 to be paid towards general unsecured claims. However, the Debtor's Plan only proposes to pay the sum of \$10,060.22 towards the general unsecured claims. If the Debtor was to devote all projected disposable income for a period of 60 months, the dividend to the holders of general unsecured claims would greatly increase.
4. The Debtor's proposed plan cannot be confirmed, as the Plan does not meet the best efforts test of 11 U.S.C. §1325 (b)(1)(B).
5. According to line 50 of the B22C Form, the Debtor claims an expense of \$232.56 for the Chapter 13 administrative expenses. The Debtor incorrectly lists the Plan payment at \$2,325.58, but according to the Debtor's filed Plan, the Plan payment is \$560.63. Therefore, the Trustee asserts that the monthly disposable income on the B22C Form is higher than proposed and additional monies may be available for general unsecured creditors.

WHEREFORE, the Trustee requests that the Court sustain the objection to confirmation and

grant such other relief as is proper.

Dated: November 2, 2010

Respectfully submitted,

By: /s/ Carolyn Bankowski
Carolyn Bankowski, BBO#631056
Patricia A. Remer, BBO#639594
Standing Chapter 13 Trustee
Office of the Chapter 13 Trustee
PO Box 8250
Boston, MA 02114
(617) 723-1313
13trustee@ch13boston.com

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS**

In re:
BROWN, Cynthia A.
SSN: xxx-xx-7418

Debtor

Chapter 13
Case No. 10-19354-FJB

Certificate of Service

The undersigned hereby certifies that a copy of the Trustee's Objection to Confirmation of Debtor's Chapter 13 Plan was served via first class mail, postage prepaid or by electronic notice on the Debtor and Debtor's counsel at the addresses set forth below.

Cynthia Brown
26 Highland Terrace
Brockton, MA 02301

Terrance Parker, Esq.
185 Alewife Brook Parkway
Cambridge, MA 02138

Date: November 2, 2010

/s/ Carolyn Bankowski